

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION

ROBERT ENGLISH,

Plaintiff(s),

vs.

COMMISSIONER OF SOCIAL SECURITY,

Defendant(s).

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Case Number: 1:07cv565

District Judge Susan J. Dlott

ORDER

The Court has reviewed the Report and Recommendation of United States Magistrate Judge Timothy S. Hogan filed on September 10, 2008 (Doc. 14), to whom this case was referred pursuant to 28 U.S.C. §636(b), and noting that no objections have been filed thereto and that the time for filing such objections under Fed. R. Civ. P. 72(b) expired October 1, 2008, hereby ADOPTS said Report and Recommendation.

Accordingly, Defendant's Motion to Reverse and Remand to the Defendant Commissioner under sentence four of U.S.C. § 405(g) is **GRANTED**, but that the scope of remand include a consideration of Listing 12.05 ( C ) as well as Listing 1.04 as previously considered by the ALJ.

IT IS SO ORDERED.

\_\_\_\_s/Susan. Dlott\_\_\_\_  
Susan J. Dlott  
United States District Judge